

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

STATE OF MISSOURI,  
STATE OF ARKANSAS,  
STATE OF FLORIDA,  
STATE OF GEORGIA,  
STATE OF NORTH DAKOTA,  
STATE OF OHIO, and  
STATE OF OKLAHOMA

*Plaintiffs,*

v.

JOSEPH R. BIDEN, Jr., in his official  
capacity as President of the United States,

MIGUEL A. CARDONA, in his official  
capacity as Secretary, United States  
Department of Education, and

UNITED STATES DEPARTMENT OF  
EDUCATION,

*Defendants.*

Civil Action No. 24-cv-520

**PLAINTIFF STATES’  
MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY**

Although the rules are ambiguous about whether leave is required to bring to the Court’s attention supplemental authority, Plaintiff States—in an abundance of caution—seek leave here to notify the Court of two relevant developments that occurred after the States filed their most recent brief. *See* Local Rule 4.01(C); *Asarco LLC v. NL Industries, Inc.*, No. 4:11-CV-00864-JAR, 2012 WL 6726381, at \*1 (E.D. Mo. Dec. 27, 2012) (Ross, J.).

First, Defendants yesterday announced that they have cancelled an additional \$613 million in loans under the Final Rule. *Biden-Harris Administration Announces Additional \$7.7 Billion in*

*Approved Student Debt Relief for 160,000 Borrowers*, Department of Education (May 21, 2024).<sup>1</sup>

This follows the \$1.2 billion they cancelled in February, and the \$3.6 billion they cancelled in April, just days after this suit was filed. ECF 10 at 44.

Second, two days after the States filed their most recent brief, President Biden gave a commencement speech at Morehouse College, where he declared that he issued the Final Rule to get around the Supreme Court’s decision in *Biden v. Nebraska*. He stated, “I’m relieving the burden of student debt — many of you have already had the benefit of it — so I [sic] can chase your dreams and grow the economy. *When the Supreme Court told me I couldn’t, I found two other ways to do it.*” *Remarks by President Biden at the Morehouse College Class of 2024 Commencement Address* (May 19, 2024) (emphasis added).<sup>2</sup> These remarks are consistent with the President’s previous remarks that “the Supreme Court blocked it. They blocked it. But that didn’t stop me.” ECF 1 ¶ 5.

The States seek leave because these recent developments support arguments the States have made in their briefings. On May 22, 2024, Plaintiffs conferred with counsel for Defendants on this motion. They take no position.

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<sup>1</sup> <https://www.ed.gov/news/press-releases/biden-harris-administration-announces-additional-77-billion-approved-student-debt-relief-160000-borrowers>

<sup>2</sup> <https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/05/19/remarks-by-president-biden-at-the-morehouse-college-class-of-2024-commencement-address-atlanta-ga/>;  
<https://www.youtube.com/watch?v=MbCsNmWT6zQ>

Date: May 22, 2024

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**CERTIFICATE OF SERVICE & COMPLIANCE**

I certify that on May 22, 2024, a true and accurate copy of the foregoing document was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, consistent with Federal Rule of Civil Procedure 5(b).

I further certify that the foregoing document contains 301 words, exclusive of matters designated for omission, as counted by Microsoft Word.

/s/ Joshua M. Divine

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